

Testimony of Roland Horst for Senate Bill 406  
Given Before the House Judiciary Committee March 26, 2009

Mr. Chairman, Members of the Committee:

Before the Senate Judiciary Committee on Senate Bill 406, opponents mentioned the word personhood but gave no logic as to why the unborn child is not a person. That's because there is no rational way to deny their person hood. Rather than directly addressing the person hood of the unborn, you will hear opponents say person hood is to be denied because of *potential* ramifications of doing so. If they say the same things they said last time, you'll hear a lot about government intruding into sexual relations; that miscarriages, stillbirths, underweight infants will be invest aged and women prosecuted. You might hear the silly testimony that this bill will mean a newborn will have to be considered 9 months old. You'll likely hear that Senate Bill 406 will give ALL rights in article II including the right to bear arms, the right to vote, etc. Do newborns or 4 year olds have ALL the rights in article II. Obviously not.

You will hear that this bill would give constitutional rights to the embryo at the expense of the mother, but you will not hear them give a rational argument for why the mother is a person and the child is not. I stress that word rational argument, because you might hear that the mother has rights because she can exercise them and the unborn child cannot. If our rights were based on the capacity to exercise those rights, then people under anesthesia for surgery, most children, and a host of others would not be entitled to rights. Obviously absurd.

You might hear Montana has the lowest abortion rate in the country. Understand, that amounted to 2238 unborn children killed in abortion in 2007. Thats larger than the population of many elementary schools; it means a lot of dead Montanans in one year from abortion.

Senate Bill 406 is not a covert or subversive attempt to overturn abortion rights. We proponents would love to see Roe v Wade overturned, and we hope Senate Bill 406 will be a stepping stone in that process. However any decisions to overturn or limit abortion rights or not are deferred to the Montana Legislature, not the Montana Constitution.

The Civil Rights movement and the Dredd Scott Supreme Court Decision prove that just because something is legal doesn't make it right.

I urge you to support Senate Bill 406. Thank-you.